



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

September 12, 2023

2309-SE-02

Exhibit 1

Petition Number: 2309-SE-02

Subject Site Address: 17695 and 17655 Shamrock Blvd. (collectively, the “Property”)

Petitioner: Westfield Washington Schools (the “Petitioner”)

Representative: Church, Church, Hittle & Antrim (the “Representative”)

Request: The Petitioner requests a Special Exception to permit a tax-exempt use (school-operated tennis and pickleball facility) on +/- 3.83 acres.

Current Zoning: Junction Planned Unit Development (PUD) Zoning District; and
Single-family Medium Density District (SF-3) Zoning District

EDD Overlay: Grand Junction Economic Development District

Current Land Use: Vehicular Parking Area, Open Space

Approximate Acreage: 3.83 acres +/-

Exhibits:

1. Staff Report
2. Location Map
3. Concept Site Plan
4. Application

Staff Reviewer: Weston Rogers, Associate Planner

OVERVIEW

Location: The subject Property is 3.83 acres +/- in size and located at 17695 and 17655 Shamrock Blvd. (see **Exhibit 2**). The Property is zoned the following classifications – 17695 (northern portion of the Property) is zoned SF3: Single-family Medium Density District (the “SF3 District”) and 17655 (southern portion of the Property) is zoned The Junction Planned Unit Development District (the “Junction PUD District”).

The Property contains a Vehicular Parking Area, Open Space, and defunct baseball fields. The properties to the north and east are zoned SF3 with the properties to the south and west zoned the Junction PUD.

Property History: The Property was developed in the early 1960’s as baseball diamonds serving Westfield Washington Schools. In 1977 the establishment of The Westfield-Washington Township Comprehensive Zoning Ordinance classified the Property as SF3. Over time, a variety Open Space recreational land uses and supporting Accessory Uses, such as a Vehicular Parking Area, have been located on the Property to serve Westfield Washington Schools.

In 2009 the Property was incorporated into the Grand Junction Economic Development District.

In 2014, 17655 (the southern portion of the Property) was re-zoned to the Junction PUD and later amended in 2015 to permit the development of Riverview Hospital. However, 17655 has remained undeveloped since the Junction PUD was adopted in 2015.

In 2019, 17695 (the northern portion of the Property) was developed as a Vehicular Parking Area.



SUMMARY OF VARIANCE

The Petitioner is requesting a Special Exception to permit a tax-exempt use (school-operated tennis and pickleball facility) on +/- 3.83 acres within the Junction PUD Zoning District and the Grand Junction Economic Development District.

It shall be noted that the proposed land use of a school-operated tennis and pickleball facility is permitted on the property. This proposed land use is considered to be an Accessory Use to the existing Education Institution owned and operated by Westfield Washington Schools.

However, as previously noted the proposed school-operated tennis and pickleball facility qualifies as a Tax-Exempt Use.

Unified Development Ordinance (UDO), Article 5 "Economic Development District (EDD) Overlay", Section D "Restriction of Use" requires that –

"The Use of land within an EDD Overlay that results in the real estate being exempt from payment of all or part of the real property taxes (a "Tax-Exempt Use") shall be permitted only as a Special Exception (see also Article 10.12 Special Exceptions). All other Uses that are permitted in the underlying Zoning District shall be permitted."

Moreover, a Special Exception is needed to permit the proposed school-operated tennis and pickleball facility on the Property due to the Economic Development District Overlay standards.

SPECIAL EXCEPTIONS

Definition: Chapter 12 (Definitions) of the Unified Development Ordinance (the "UDO") defines a "Special Exception" as "[a] use that requires a greater degree of scrutiny and review because of its potential adverse impact upon the immediate neighborhood and the community that is reviewed by the Board of Zoning Appeals for its characteristics and impacts to determine its suitability in a given location for the Zoning District in which it is permitted."

Use Table: Chapter 13 (Use Table) of the UDO provides that "[a] Special Exception designation is not meant to imply that the use will be disallowed, but that the use requires a greater degree of scrutiny and review because of its potential adverse impact upon the immediate neighborhood and the community. The Board of Zoning Appeals reviews a Special Exception and its characteristics and impacts to determine its suitability in a given location for those Zoning Districts in which it is permitted. The determination of whether the Special Exception may be approved shall be subject to a public hearing by the Board of Zoning Appeals and review in accordance with Article 10.11 Special Exceptions."

Purpose: Article 10.11(B) (Processes and Permits; Special Exceptions; Purpose) of the UDO states "[a] Special Exception is a use that requires a greater degree of scrutiny and review because of its potential adverse impact upon the immediate neighborhood and the community. The Board reviews a Special Exception and its characteristics and impacts to determine its suitability in a given location for the Zoning District in which it is permitted. The determination of whether the Special Exception is approved shall be contingent upon: (i) the Special Exception meeting the standards of this Ordinance and those standards



as set forth in this Article; and (ii) the Board weighing, in each case, the public need and benefit against the local impact, giving effect to the proposals of the Applicant for ameliorating adverse impacts through special site planning and development techniques and contributions to the provisions of public improvements, sites, right-of-way and services.”

ANALYSIS

The below analysis coincides with the review criteria for a Special Exception set forth in the Unified Development Ordinance¹, as summarized herein.

Criteria #1: The establishment, maintenance, or operation of the Special Exception will not be detrimental to or endanger the public health, safety, morals, or general welfare.

Comment: It is unlikely that approving the requested Special Exception would be injurious to the public health, safety, morals, and general welfare of the community because the use as proposed is permitted on the Property by-right.

Criteria #2: The Special Exception will be designed, constructed, operated, and maintained so as to: (i) not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted; (ii) not substantially diminish and impair property value within the neighborhood; (iii) be harmonious and appropriate in appearance with the existing or intended character of the immediate vicinity; and (iv) not change the essential character of the area.

Comment: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The proposed Special Exception should not have a negative impact on surrounding properties because: (i) the operation and design of the use should not impact surrounding properties; (ii) the use is otherwise contemplated as appropriate in the applicable Zoning District(s); and (iii) the development and use of the site would otherwise comply with applicable regulations.

Criteria #3: The establishment of the Special Exception will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the Zoning District.

Comment: The proposed school-operated tennis and pickleball facility is considered an Accessory Use to the existing Educational Institution owned and operated by the Petitioner. The Unified Development Ordinance contemplates this land use within both the SF-3 Zoning District and the Junction PUD Zoning District. The proposed operation and design of the use should not impact surrounding properties and will not impede the use and development of adjacent properties. The property will continue maintain its outdoor recreational character and the proposed Special Exception would be compatible with other permitted uses of the applicable Zoning Districts and potential conflicts resulting from other future and adjacent uses should be diminutive.

¹ Article 10.11 Processes and Permits; Special Exceptions; Review Criteria of the UDO.



Criteria #4: Adequate public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools have been or are being provided and the Special Exception will not result in excessive additional requirements at public expense for such public facilities and services.

Comment: Existing and adequate public facilities are currently being provided to serve the Property. A private drive aisle will be constructed by the Petitioner to serve the vehicular access needs of the proposed school-operated tennis / pickleball facility.

Criteria #5: Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion and have vehicular approaches are designed as not to create an interference with traffic on surrounding rights-of-way.

Comment: The Petitioner will be required to submit a Detailed Development Plan application prior to any development commencing on the Property. At that time, ingress and egress measures will be reviewed for compliance with City of Westfield Construction and Development Standards by the Public Works Department and the Community Development Department.

Criteria #6: The Special Exception will be harmonious with and in accordance with the objectives of the Comprehensive Plan.

Comprehensive Plan: The Westfield-Washington Township Comprehensive Plan, as amended (the Comprehensive Plan) identifies a majority of this Property within the "Downtown" land use classification. Furthermore, this Property is located within both the "Junction Sub-District" and the "Neighborhood Sub-District" classifications of the Grand Junction Addendum to the Comprehensive Plan.

The Comprehensive Plan identifies appropriate land uses in these land use classifications to include institutional and recreational land uses².

Criteria #7: The Special Exception will be located in a Zoning District where such use is permitted and that all other requirements of the Zoning District and the Unified Development Ordinance, and as may be applicable to such use, will be met.

Comment: Together, both the SF-3 Zoning District and the Junction PUD Zoning District contemplate the proposed land use as permitted. The proposed land use and property will otherwise comply with or exceed the applicable standards of the Unified Development Ordinance and Junction PUD Ordinance.

² Westfield Washington Township Comprehensive Plan, page 76, and Grand Junction, Sub-District Addendum to the Westfield Washington Township Comprehensive Plan, page 23.



PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Special Exception. This petition is scheduled to receive its public hearing at the September 12, 2023, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.

Conditions: The UDO³ and Indiana law provide that the Board of Zoning Appeals in granting a Special Exception, may prescribe conditions and limitations concerning the use, construction, character, location, landscaping, screening, parking and other matters relating to the purposes and objectives of this Ordinance upon the premises benefited by a Special Exception as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property or upon public facilities and services. Any conditions prescribed by the Board shall be recorded in the Office of the Recorder of Hamilton County, Indiana. Violation of any such condition or limitation shall be a violation of this Ordinance and shall constitute grounds for revocation of the Special Exception or related Improvement Location Permit, pursuant to Chapter 11: Enforcement & Penalties.

Review Criteria: The Board of Zoning Appeals may approve a Special Exception only upon a determination that the Special Exception at the proposed location meets the following⁴:

1. The establishment, maintenance, or operation of the Special Exception will not be detrimental to or endanger the public health, safety, morals, or general welfare.
2. The Special Exception will be designed, constructed, operated, and maintained so as to: (i) not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted; (ii) not substantially diminish and impair property value within the neighborhood; (iii) be harmonious and appropriate in appearance with the existing or intended character of the immediate vicinity; and (iv) not change the essential character of the area.
3. The establishment of the Special Exception will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the Zoning District.
4. Adequate public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools have been or are being provided and the Special Exception will not result in excessive additional requirements at public expense for such public facilities and services.
5. Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion and have vehicular approaches are designed as not to create an interference with traffic on surrounding rights-of-way.
6. The Special Exception will be harmonious with and in accordance with the objectives of the Comprehensive Plan.
7. The Special Exception will be located in a Zoning District where such use is permitted and that all other requirements of the Zoning District and this Ordinance, and as may be applicable to such use, will be met.

³ Article 10.11(I) Processes and Permits; Special Exceptions; Conditions of the UDO.

⁴ Article 10.11 Processes and Permits; Special Exceptions; Review Criteria of the UDO.



DEPARTMENT COMMENTS

Approval: If the Board finds that adequate evidence is shown that the Special Exception meets the applicable review criteria, then the Department recommends approving the Special Exception, with the recommended conditions below, and adopting the written review criteria findings as summarized herein.

Recommended Conditions:

1. That the Special Exception shall be tied to the Petitioner, Westfield Washington Schools;
2. That the Petitioner shall record an acknowledgement of this approval with the Hamilton County Recorder's Office and return a copy of the recorded instrument to the Community Development Department.

Denial: If the Board is inclined to reject or deny the Special Exception, then the Department recommends denying the Special Exception, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.